

# ORM NEWS

Office of Resolution Management  
Department of Veterans Affairs

[www.va.gov/orm](http://www.va.gov/orm)



**"Honoring and Serving our Nation's Veterans by Promoting  
Discrimination-free Environments"**

**June 2005**

***From the Deputy Assistant Secretary***



## **Employer-of-Choice Award Program**

Earlier this year, I talked about the Employer-of Choice award and I indicated, then, that more information would be provided about the specific criteria for earning the award. I say "earning" because hard work and effort will be required to produce the results necessary to receive the award.

This award will not be the result of a competition between offices. It will be the result of individual offices meeting specific targets that you will be aware of at all times. Because of that, each office will have the opportunity to earn this award. There could be seven awards, one for each office, or no award because no office met the award requirements. I hope there will be seven.

The specific criteria I mentioned earlier will be sent to you within the next three weeks and the evaluation period for the award will be specified at that time as we are already substantially into this calendar year. The criteria will make it clear that the efforts of every employee are important if an office is to receive an award. Recognition as an "Employer-of-Choice" is not about "I" or "me"; it's about "us", "we", and "team."

Be on the "lookout" for more information about the award criteria.

I look forward to presenting multiple "Employer-of-Choice" awards and I encourage each of you to continue to provide great service to our customers.

**James S. Jones**

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# **Great Job Done**

## **Employee Recognition Program**

The Customer Service Division, in an effort to improve the quality and quantity of customer feedback for services provided by ORM employees, has created and implemented the "Great Job Done" recognition program. This program is designed to recognize ORM field employees who have received both high response rates and overall satisfaction ratings on surveys from our customers.

The "Great Job Done" program is a two-tiered recognition program. When an employee has at least a 37% response rate with an overall rating of 85% or higher, the employee is recognized as a "Go the Extra Smile" recipient. When an employee has at least a 25% response rating with an overall rating of 80% or higher, the employee is recognized as a "You Make the Difference" recipient. The following individuals are recognized for the first quarter of fiscal year 2005:

### **"Go the Extra Smile"**

Bettye Brown – Great Lakes  
Charlotte Barr – Mid-Atlantic  
Deo Engles – Western

Alice Miller – Great Lakes  
Thomas Allen – Southeastern

### **"You Make the Difference"**

Patricia Connerty – Great Lakes  
Daniel Spilsbury – Northeastern  
Vickye Gammage – Western  
Angela Myers – Northeastern  
Wanda Ogletree – Mid-South  
Claudia Wilson – Mid-South  
Daniel Cuff – Southeastern  
Ronald McCullough – Western  
Mable Pope – Western  
Charlyn Stewart – Central Plains  
Carol Storey – Mid-South  
Jacqueline Velez – Southeastern

Barbara Barnes – Central Plains  
Rafael Lobato-Martinez – Great Lakes  
Sondra Oker – Great Lakes  
Barbara Walter – Western  
Winston Johnson – Southeastern  
Ida O'Neal – Great Lakes  
Patricia Riley – Mid-Atlantic  
Gloria Smith – Great Lakes  
Teresa Stein – Central Plains  
John Henley – Southeastern  
Marjorie Ann McNutt – Northeastern

We congratulate these employees for "Going the Extra Smile" and "Making the Difference" by providing overall good customer service, which ultimately helps improve the services provided to Veterans. We encourage all employees to remind their customers to complete the customer satisfaction surveys so that we can get their feedback on the services we provide. For more information, contact the Customer Service Division. ■

# Tool Box Updates

*Thanks to everyone who has submitted comments regarding the toolboxes. As we review and act on your comments we will send out periodic updates to keep everyone informed of all changes and/or additions. All comments provided that are suggestions for improvement will be saved and considered for inclusion during the next update of the toolboxes. I appreciate the time you have taken to review and provide comments. Your input helps us to make sure that the toolboxes are a useful and professional resource for everyone. Rosa C. Franco, COO*



**Recent tool box improvements:**

## **Investigator Toolbox:**

- Sample report for WAI investigations changed related to citations.
- Investigator address added to assignment letter to facility (for both investigator and intake toolboxes).
- Date of assignment added to CP assignment letter (for both investigator and intake toolboxes). *Thanks to Marge McNutt*

## **Counselor Toolbox:**

- Aggrieved employee changed to aggrieved party on all documents.
- Unreachable letter to attorney/representative modified to reflect no previous contact and the same attachments as letter to the aggrieved.
- Letter to director for anonymous aggrieved party added to toolbox.
- Separate letters to director for VHA, VBA, and non-VHA/VBA added to toolbox to reflect different administration ADR policies.
- Fields for timeliness and prior EEO complaints added to report format.
- cc: to aggrieved party added to all attorney/representative letters.
- Withdrawal form added to toolbox.
- Role and Responsibilities of Counselor added to toolbox.
- High profile complaint policy added to toolbox.
- VA Form 10-0143 for inclusion w/letter to director (VHA) added to toolbox

*Thanks to David Keller, Karen Green, Sondra Oker, Waltrunette and Gardner, Jeannine Burton*

## **Intake Toolbox:**

- Hearing transmittal letters added to toolbox.
- Modified OEDCA FAD transmittal letter per OEDCA's previous request.
- OEDCA room number removed from letters.
- Wording in AOR letters modified to clarify right to FAD or hearing, not both.
- Hearing request form added to toolbox.
- Request for FAD form added to toolbox.

*Thanks to Mary Shaffer, Ronnica Snowden, Debra Jones, and Yvonne Viall*

## **SOP:**

- New breach allegation form added (attachment 17).

*Thanks to Lillette Turner* ■

# Central Plains Operations Regional Conference



Central Plains Operation held its first Regional Conference the week of May 15, 2005, in Tempe, AZ. The theme of this conference was “A Bridge to Resolution.” VA facility directors, lead EEO program managers, ADR coordinators, and union officials attended this event. The focus of this event was expanding the use of alternative dispute resolution throughout VA. Some of the ORM employees who attended the conference are shown in the accompanying photograph.

ORM was complimented on the success of this event by Gary Steinberg, Principal Deputy Assistant Secretary for Human Resources and Administration (HR&A), at a town hall meeting on May 23, 2005 for Human Resources and Administration employees. Mr. Steinberg was a guest speaker at the conference.



# Great Lakes Operations Regional Conference

Plans are underway for Great Lakes Operations' regional conference, scheduled for July 26 to July 28, 2005, in Chicago, IL. The theme for this conference is “We Can Make a Difference in Resolving Workplace Disputes.” R. Allen Pittman, Assistant Secretary for Human Resources and Administration (HR&A) and Gary Steinberg, Principal Deputy Assistant Secretary for HR&A will be speakers at this conference. For more information, contact Great Lakes Operations. ■

# Making Mediation Accessible to People with Disabilities



On May 10, 2005, the Equal Employment Opportunity Commission (EEOC), along with the National Council on Disability (NCD), and the U.S. Department of Justice (DOJ), announced the release of two new publications addressing how to ensure that mediation of equal employment opportunity disputes is accessible to people with disabilities.

***Organizations that provide mediation services are legally required to make their services accessible to people with disabilities.***

The documents, entitled “Questions and Answers for Mediation Providers; Mediation and the Americans with Disability Act” and “Questions and Answers for Parties to Mediation: Mediation and the Americans with Disabilities Act,” address the obligations of all parties and public sector mediation providers, including employers who offer their employees mediation as a benefit of employment. The documents are written in a question-and-answer format and consider topics such as:

- Types of reasonable accommodations that may be necessary to make mediation accessible to people with disabilities.
- Best practices for ensuring that mediation is accessible.
- The confidentiality of medical information disclosed during mediation.
- Recommended types of ADA training for mediators.

“More than ever, employers and employees are turning to mediation and other forms of alternative dispute resolution to resolve EEO disputes,” said EEOC Chair Cari M. Dominguez, who has made expansion of voluntary mediation a top priority. “These new materials will help ensure that the benefits of mediation can be available to everyone.”

To obtain a copy of both documents, go to [www.ncd.gov](http://www.ncd.gov) and click on “What’s New.” ■

*Source is EEOC news release “Federal Agencies Jointly Issue Publications on Making EEO Mediation Accessible to People with Disabilities.”*

# ADR Q & A

*The following alternative dispute resolution (ADR) questions and answers come from the Equal Employment Opportunity Commission (EEOC). They provide helpful information on the benefits of ADR and how this program works. ORM is committed to advancing the use of ADR within VA.*

**I understand that all agencies are required to have an ADR program available in the EEO process. Does this mean that an agency must offer ADR in every case?**

**No.** Agencies are not required to offer ADR in every case. There may be cases where ADR is not appropriate or feasible.



**When will an agency offer ADR?**

Agencies may be flexible in designing their ADR programs to fit their environment and workforce. The offer may be made either at the pre-complaint phase of the process, or after the formal complaint has been filed. In this regard, agencies have the discretion to determine whether a given dispute is appropriate for ADR. Agencies may decide to offer ADR on a case-by-case basis, by issue, and/or by geographic location. However, agencies may not decline to offer ADR because of the bases involved in a particular case (i.e., race, color, religion, national origin, sex, age, disability, or retaliation).

**Can an employee file a complaint against an agency if it refuses to offer ADR in a particular case?**

**No.** An agency's decision not to offer ADR for a particular case cannot be made the subject of an EEO complaint.

**Can an employee who has elected ADR withdraw from the process?**

**Yes.** The ADR process is voluntary and the aggrieved party can withdraw at any time.

**If ADR fails, what is the role of the EEO Counselor?**

Should ADR fail to resolve the matter, the case is referred back to the EEO counselor for the issuance of a notice of final interview. No further informal resolution efforts should be made by the EEO Counselor.

*(Continued on the next page)*



### **Can agencies utilize binding arbitration as an ADR technique under Part 1614?**

**No. ADR programs cannot diminish an individual's right to pursue his or her claim under the 1614 process. Binding arbitration is not an appropriate ADR technique in the EEO process because it would require an individual to waive his/her right to a hearing or to appeal the matter to the EEOC. This requirement, however, does not prevent agencies from using binding arbitration in their grievance process.**

### **I understand that ADR is a confidential process. What exactly does this mean?**

**If a party tells the neutral something in private and asks the neutral to keep the matter confidential, the neutral is bound by law not to disclose this information voluntarily. There are some exceptions to this rule. For example, if a party confesses to the commission of a criminal offense, or to an act of fraud, waste, or abuse, or that the party plans to commit a violent physical act, the neutral may be required to share this information with appropriate authorities. If a judge determines that disclosure of private confidential discussions is necessary to prevent a manifest injustice, establish a violation of law, or prevent harm to the public health or safety, the neutral may be required by a court to disclose the private discussions.**

### **Are settlement agreements confidential?**

**No. Neither the ADRA nor MD-110 requires settlement agreements to be confidential. Even when the parties specifically agree to keep the terms of their settlement agreement confidential, the details of the resolution must still be given to specific offices with a need to have that information, such as those offices which will implement the settlement.**

### **What role does the responsible management official have in ADR?**

**Once the agency has determined that a matter is appropriate for ADR, it can decide who should represent the agency and can require the responsible management official (RMO), or the agency official directly involved in the case, to cooperate in the ADR process. ■**

# Travel Tips

By Barbara Scott, ORM Budget Office



## Leisure Travel

Federal Travel regulations prohibit the use of the city-pair fares (Government contract fares) for leisure travel.

If you are including leisure travel with an official business trip, the leisure part cannot be booked with the Travel Management Center (TMC) or placed on the VA Citibank Government travel card or put into the Zegato e-travel program.

What does this mean? **All leisure and personal travel should be booked separately with the airline or an outside travel agent. All personal travel expenses are the responsibility of the employee.** For more information on Federal travel regulations go to [www.gsa.gov](http://www.gsa.gov) and click of "Federal Travel Regulation (FTR) Overview" or you can contact Barbara Scott at (202) 501-2800. ■

## Per Diem Meals and Incidental Expenses

**Reminder:** If a meal (breakfast, lunch or dinner) is provided to you while in a travel status, the cost of the meal must be deducted from your Meals and Incidental Expenses (M&IE) rate.

**Example:** If your M&IE rate is \$51 and lunch is provided, you must deduct \$12 from the M&IE rate of \$51. You would only claim \$39 for that particular day.

The following Meals and Incidental Expense Breakdown table provides meal and incidental totals and the amounts to be deducted from your M&IE if meals or incidentals are provided for you during government travel. For more information, contact Barbara Scott at (202) 501-2800.

M&IE	\$31	\$35	\$39	\$43	\$47	\$51
Breakfast.....	6	7	8	9	9	10
Lunch.....	6	7	8	9	11	12
Dinner.....	16	18	20	22	24	26
Incidentals.....	3	3	3	3	3	3



# Office Notes

## DAS Annual ORM Facility Visits

Mr. Jones has resumed his annual visits to ORM Field Offices. He visited the Houston office the week of June 13<sup>th</sup> and is tentatively scheduled to visit Little Rock the week of June 27, 2005. Additional visits will be announced as they are scheduled.

## National Team Leaders

Congratulations to **Michelle McNeill**, **Daniel Spilsbury**, and **Pamela Johnson** for their selections as ORM National Team Leaders.

Michelle is the National Team Leader for Intake Specialists. Her previous assignments included intake specialist, administrative officer, and EEO specialist in the Office of Policy and Compliance (OPC). OPC would also like to extend their congratulations to Michelle Michelle for her selection. Michelle was a tremendous asset to OPC and will be missed.

Daniel is the National Team Leader for Investigators. Dan is a former EEO counselor and investigator for Northeastern Operations.

Pamela is the National Team Leader for Counselors. Pamela was the counselor team leader for Mid-South Operations.



## Government Service Recognition

**Juanita Toney**, Intake Specialist, celebrated 30 years of government service on June 8, 2005, when she was presented her 30 year service pin and certificate by Waltrunette Gardner, EEO Manager, Mid-Atlantic Operations.

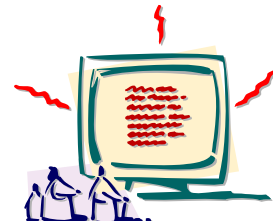
## EEO Complaint Trend Data Report

The Quality Assurance Office has prepared and released the VA EEO complaint trend data report for the Department, each Administration and their major operating components. This data compares informal and formal complaint activity for fiscal years 2002, *(continued on the next page)*

2003, 2004 and the first half of 2005. Department heads in VACO have received copies of the information. Operating components in the field as well as each ORM manager will also receive a copy of this information. Questions concerning this data can be forwarded to Peggy Joyner, Quality Assurance Manager.

## V-Tel Training

The following V-Tel training is scheduled for June and July 2005.



- OEDCA Disability Accommodation & Direct Threat Theories,
- June 22 starting at 11:00am EST.
- Conflict Resolution Training for Counselors, June 23<sup>rd</sup> starting at 4:15pm EST.
- OEDCA – Harassment, June 29<sup>th</sup> starting at 11:00am EST
- EEOC Outreach Update, July 13<sup>th</sup> starting at 1:00pm EST.

Additional information up-coming ORM training is available at <http://vaww.va.gov/orm/>, click on “Learning Resources”, then “Training Calendar.”

## Complaints Pending More Than 180 Days

One of ORM’s critical performance measures is the “Number of Complaints Pending More than 180 Days.” This represents the number of cases pending more than 180 days since the date the formal complaint was filed. EEOC requires complaints to be investigated within 180 days. The goal is 20-40 cases. As of April 2005 the current status is “Green” (meeting or exceeding requirement) on VA’s Performance Measure scorecard as illustrated below. Accomplishing our organizational performance measures are important indicators of our success as an organization.

Performance Measures (Day)s	FYTD Plan	FYTD Actual	FYTD 2005 Annual Goal	Current Status
*Number of Complaints Pending More than 180 Days	<40	38	<40	GREEN



# Did You Know?

## VA Employees Association (VAEA) Program Update

The VA Employees Association (VAEA) offers a variety of programs for VA employees that include the following mortgage, insurance, and eye care programs.



(1) Mortgage Lenders Network USA, Inc. (MLN) and the VAEA have joined forces to provide you the lowest total price mortgage. MLN, a nationwide direct lender, offers the *Mortgage Affinity Program*. Features and benefits include: lowest price guarantee, zero lender fees, competitive rates and reduced closing costs, quick turnaround times, and pre-approval notification within four business hours. For more information, call MLN at 800-695-9391 or visit <http://www.mlnusa-online.com/>.

(2) Supplemental Insurance: Mass Benefits Consultants, a firm specializing in consulting, marketing, and administration of group insurance products offers the following products to VA Employees and their families: Dental Insurance, Professional Liability Insurance, Group Term Life, Accidental Death & Dismemberment, Supplemental Hospital Indemnity Plan (SHIP), Supplemental Retirement Plan, Long Term Care, College Student Medical Insurance, and Short Term Medical. For more information log onto <http://www.massbenefits.com/index.html> or call 703-256-7800 (in Metro DC) or for other areas, 800-221-3083.

(3) Discount Eye Care Benefit Program. *EyeBenefits* offers a vision savings program with over 9,500 optical store locations nationwide. When you join the program, as a member, you will receive 20 to 50 percent discounts on eye exams, eyeglasses, contact lens and LASIK. For more information, or to join, go to <http://www.eyebenefits.com>. Step 1- click on "Signup Online" and Step 2- enter group code "VA." The *EyeBenefits*' Customer Care Line is 800-621-7900. ■



# VA Celebrates 75th Anniversary



Created in 1930 as the Veterans Administration, the Department of Veterans Affairs (VA) will celebrate its 75<sup>th</sup> anniversary this year. Events are planned to begin in July 2005 and will run through 2006. Additional information on these events will be provided as it becomes available.

The Veterans Administration was created by Executive Order 5398, signed by President Herbert Hoover on July 21, 1930. At that time there were 54 hospitals, 4.7 million living veterans, and 31,600 employees. The Department of Veterans Affairs (VA) was established on March 15, 1989, succeeding the Veterans Administration. Headed by the Secretary of Veterans Affairs, VA is the second largest of the 15 Cabinet departments and operates nationwide programs for health care, financial assistance, and burial benefits.

About a quarter of the nation's population, approximately 70 million people, are potentially eligible for VA benefits and services because they are veterans, family members or survivors of veterans. VA now has 158 hospitals, 854 ambulatory care and community-based outpatient clinics, 132 nursing homes, 42 residential rehabilitation treatment programs and 88 comprehensive home-care programs. More than 48 million people received care in VA health care facilities in 2003. In 2003, VA helped pay for the education training of 322,754 veterans and active-duty personnel, 88,342 reservist and National Guardsman and 61,874 survivors. VA now has a workforce of approximately 235,978 employees.

For more information on the history of VA, go to  
<http://vaww1.va.gov/opafact/vafacts.html>.

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